



February 23, 2016

The Honorable Chris Afendoulis, Representative
Michigan House of Representatives
N-1092 House Office Building
P.O. Box 30014
Lansing, MI 48909

Dear Representative Afendoulis:

We are writing to you to express concerns over the potential negative impact that the proposed historic preservation legislation contained in HB 5232 and SB 720 may have on cities like Grand Rapids and to offer remedies for those concerns.

Historic districts in Grand Rapids have been used effectively as a positive neighborhood and economic development tool and have been central to revitalizing both business districts and entire City neighborhoods. Historic Preservation has been a successful tool and a driving force in Grand Rapids' economic revitalization, increasing property values, building equity, contributing to tourism, and reducing crime rates with no major public funds invested.

We appreciate the fact that you took action to remove a requirement for voter renewal of existing historic districts every 10 years in Draft 2 HB 5232 (H-1) a substitute for HB 5232. We understand that the proposed Historic Districts Modernization Act introduced by you and Senator MacGregor are still a work in progress and we remain optimistic that the recommended amendments in the attachment will be included.

We appreciate and commend your and Senator MacGregor's willingness and efforts to work with the City of Grand Rapids' staff to revise bills and address concerns as they move through the legislative process. We remain hopeful that recommendations made by the City will be fully incorporated into the legislation to avoid weakening an effective tool. We remain committed to working with the legislature to find the right solutions for state and local issues, including this legislation. Our record of working collaboratively to seek solutions speak for itself as evidenced by our history.

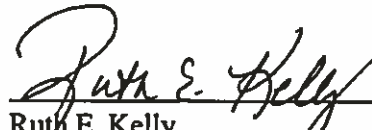
Please do not hesitate to contact us with any questions you might have about our suggestions.

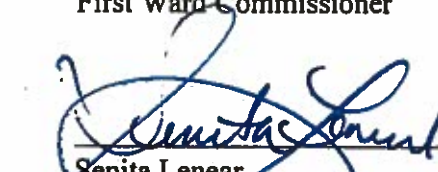
Sincerely,


Rosalynn Bliss
Mayor


Dave Shaffer
First Ward Commissioner


Jon O'Connor
First Ward Commissioner


Ruth E. Kelly
Second Ward Commissioner


Senita Lenear
Third Ward Commissioner


David Allen
Third Ward Commissioner

cc. Governor Rick Snyder
House Speaker Kevin Cotter
House Minority Leader Tim Greimel
Senate Majority Leader Arlan Meekhof
Senate Minority Leader Jim Ananich
Senator Peter MacGregor



February 19, 2016

RE: PROPOSED TEXT AMENDMENTS TO DRAFT 2 HB 5232 (H-1) Substitute for HB 5232.

The following summary of suggested language is presented by the City of Grand Rapids Planning Department and is not intended to represent the position of any other community, agency, or individual regarding the proposed amendments to PA 169, Local Historic Districts Act contained in Draft 2 HB 5232 (H-1) a substitute for HB 5232. A more detailed analysis with the reasoning behind the recommended changes follows this summary (dated January 31, 2016). We recommend the following amendments to the Draft:

1. 2/3 owner consent for designation

Page 5, part (A), lines 3-8

- Remove the 2/3 owner consent language. We recommend language similar to the Massachusetts Legislation which requires a 2/3 vote of the local legislative body *not a 2/3 vote or petition of the property owners*. The 2/3rds vote of the legislative body has been incorporated into the revised bill.
- Require defined boundaries of the study area determined and publicized prior to establishment of the study committee.

2. Composition and Duties of Study Committee

Page 5, part (B), lines 15 to 23

- As written it would require the participation of the four defined members (i to iv) with no recourse or options should a representative not be available.
- Following the Massachusetts model, we recommend:
 - Allow for representative organizations to make nomination recommendations within 30 days; after such time without response the legislative body may appoint others.
 - If the above language is not utilized, at a minimum the following change needs to occur to provide for those occasions when such a member cannot be found. Line 15 reads as follows: "consist of 4 to 7 individuals. The committee may include the following 4:"

Page 5, part C

Suggested additions.

- Increase the number of required public hearings from 1 to 2 with the addition of at least one public education workshop. With one of the public hearings occurring prior to the establishment of the study committee.
- Require that should, at any-time during the study process, the proposed boundary of the study area increase beyond what was original publicized the process shall start over to ensure proper public and owner notifications of the change.
- Institute a petition of owners of directly affected properties to glean their input and questions to assist in the public education elements of the process.
- Require disclosure at point of sale and/or in real estate listings to that buyers are fully informed that the property is located in a historic district.

3. Local Appeals

Page 9, part (2), lines 12-27

- Recommend that the current appeals process remain to help ensure consistency from community to community.
- Should local appeals be required the following is recommended:
 - Allow the legislative body of the local unit to have the **authority to delegate** review of appeals to an alternate local board or commission.
 - Where local review is not feasible due to lack of staff capacity, number of appeals, or other substantive issues that would prohibit timely review or consistent application of standards then the local unit may refer appeals to the State Historic Preservation Review Board.
 - Line 15 to 16 ~~"The appeal shall be filed within 60 days after the decision is furnished to the applicant."~~ Insert: "A written appeal shall be filed with the Legislative Body of the Local Unit or delegated authority, within 15 days of the decision". Appellate review shall be based on the same record that was before the commission and using the same criteria." *(extracted from multiple states and replicated from Michigan Zoning Enabling Act)*.
 - Line 18 to 21: ~~"The Legislative Body of the Local Unit shall consider an appeal at its first regularly scheduled meeting after receiving the appeal, but may not charge a fee for considering the appeal."~~ Insert: "The Legislative Body of the Local Unit, or delegated authority, shall consider an appeal within 120 days after receiving the appeal."

4. Modified Standards

Page 10, part (3)

- Line 3: "Commission shall follow the Secretary of Interior Standards for rehabilitation and guidelines..." This language needs to remain as it directs the use of standards to help insure consistency between communities.
- Lines 7-8 delete "in the best interest of the community" as this can be wholly arbitrary.
- Require that local bodies shall create local guidelines/design review standards to address the unique character of the local district that follow the guidance of the Secretary of Interior Standards and guidelines.
- Amplify lines 8-12 as a separate provision to give allowances for decisions that do not comply with the Secretary of Standards and local guidelines.
- Expand **Notice to Proceed** provision of **Section 5 (part 6) of 399.205 of PA 169** (page attached) to allow commissions to approve requests during permitting that do not meet the standards, but can be based on a number of considerations including community needs and economic hardship while still applying standards.
- Many States have very similar language to Michigan's Act as it relates to hardships, all of which provide for the local communities to define "hardship" in their individual ordinances and/or bylaws. A sentence denoting something of the same could be included under the Notice to Proceed section.
- Highlight or directly include Secretary of Interior Standard 6 as it allows for alternate materials within its definition by allowing matching materials when possible.
- Charge the Review Board, or similar entity, to research and authorize approved alternate building materials in historic districts to provide guidance to local units.
- Recommend historic district commissions and staff are trained on new materials and technology every three years.

5. Demolition by Neglect

Page 13, part (11), lines 16 to 17

- Remove the new language that would require approval of the legislative body to proceed with demolition by neglect. This is an enforcement mechanism and remedies are sought through the court system before legislative approval is required to repair/demolish.

6. Establishment, modification and Elimination of Districts

Page 16, part (A), lines 12 to 17

- Strike this section and change it to require 2/3 vote of the Legislative Body of the Local Unit.

Page 16 & 17, part (A), lines 19 to 21

- Strike the required 2/3 approval of affected owners and require 2/3 vote of Legislative Body of Local Unit.

- Require the same process followed for designation of a district page 5 to 8, Sections A through E; as per the modifications recommended in this report be followed for any modifications to existing district boundaries.

Page 17, part (A) (iii), lines 5 to 8

- Strike the 2/3 owner approval and require a 2/3 vote of the Legislative Body of the Local Unit.
- A fiscal impact analysis shall be made prior to the decision to dissolve an historic district."

7. Inventory Guidance

Page 5, part (B) (i), lines 21-22

- "Conduct a photographic inventory of resources within each proposed historic district using the procedures established by the National Park Service as a guide"

8. Review Board

Page 5, part (B) (i), lines 25 to 27

- Retain the State Historic Preservation Review Board within the study committee reporting processes. The Board only acts in an advisory capacity but can offer good advice when requested.

9. Interiors

Page 11, part (4)

- A caveat that requires owner consent to protect an interior space that does not affect the exterior could be added; this would still allow those desiring such protection to obtain it for tax credit purposes.